THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9406 of 2005

ORDER:

This writ petition is filed seeking Mandamus declaring the order purporting to have been passed by the first respondent-Joint Collector dated 27.11.2004 and the notice issued by the second respondent-Mandal Revenue Officer dated 17.3.2005 as arbitrary and illegal.

According to the petitioner, he is the Ex-President of Sri Rama Musthapuram Primary Agricultural Cooperative Society, Somasila, elected in the year 1995 and even after expiry of the term, he was allowed to continue to discharge the functions. The society was allotted with a fair price shop long ago for distribution of essential commodities to the cardholders. Consequently, when the 'Food for Work' scheme was introduced, every fair price shop dealer was directed to store some rice for the purpose of distribution under the said scheme. The P.W.D. godown at Somasila Project site was allotted to the society for the purpose of storage of the rice.

Since the term of the elected body was completed, the Deputy Registrar of Cooperative Society passed orders dated 18.10.2003 appointing three persons-in-charge to manage the affairs of the society. The second respondent-Mandal Revenue Officer was also informed about the same and society was requested to discontinue the petitioner. While so, on 24.1.2004 a fire accident took place in the godown of Somasila project, due to which the rice relating to food for work scheme stored was gutted. Thereafter, the second respondent issued the impugned notice dated 17.3.2005 calling upon the petitioner to pay a sum of Rs.1,49,200/- to the Government for the burned rice bags in the fire accident. This notice refers to a letter purported to have been addressed by the Joint Collector dated 27.11.2004.

There is no necessity of going into all the details.

The petitioner, in para 8 of the affidavit, has categorically asserted that neither any notice was served on him before passing the purported order dated 27.11.2004 by the Joint Collector nor a copy of

the same was furnished to him and even the Mandal Revenue Officer while serving the impugned notice, did not furnish copy of the said letter dated 27.11.2004 to him.

In the counter affidavit filed by the respondents, it is silent as to whether any notice was served on the petitioner or any explanation was called for from him before passing the purported order dated 27.11.2004 by the Joint Collector. The impugned notice dated 17.3.32005 also does not refer to any enquiry being conducted by the competent authority.

In view of the above, I am of the considered opinion that the impugned notice suffers from gross violation of principles of natural justice and therefore, the same is liable to be set aside.

In the result, the writ petition is allowed and the impugned notice dated 17.3.2005 issued by the second respondent is set aside. However, this will not preclude the authorities from taking appropriate action against the petitioner as per law after putting him on notice and seeking his explanation in this regard. There shall be no order as to costs.

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C.V.RAMULU, J

Date: 14.8.2006
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9406 of 2005

14.8.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9406 of 2005

Dated: 14th August, 2006

Between:

D.Narayana Reddy

.. Petitioner

and

The Joint Collector,
Nellore & another.

.. Respondents